

Message Text

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SUBJECT: TEXTS OF NOTES ON PETER THE GREAT BAY

1. U.S. NOTE TO SOVIETS, AUGUST 12, 1957

QTE. THE EMBASSY OF THE UNITED STATES OF AMERICA ... HAS
THE HONOR TO REFER TO THE RECENT ANNOUNCEMENTS IN THE
SOVIET PRESS REGARDING ACTION BY THE COUNCIL OF MINISTERS
OF THE USSR WITH RESPECT TO THE BOUNDARY OF INTERNAL
WATERS IN THE AREA OF PETER THE GREAT BAY. THAT ACTION
PURPORTED TO EXTEND THAT BOUNDARY TO A LINE, APPROXIMATELY
115 MILES LONG, JOINING THE ESTUARY OF THE RIVER TYUMEN-
ULA AND THE POVOROTNY PROMONTORY AND TO REQUIRE PREVIOUS
PERMISSION FROM SOVIET AUTHORITIES FOR SHIPS OR AIRCRAFT
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TO ENTER PETER THE GREAT BAY. THE GOVERNMENT OF THE
UNITED STATES MOST STRONGLY PROTESTS THE REPORTED ACTION
OF THE COUNCIL OF MINISTERS, WHICH IT REGARDS AS CONTRARY
TO INTERNATIONAL LAW.

UNDER INTERNATIONAL LAW, THE BODY OF WATER ENCLOSED BY THE LINE DRAWN BETWEEN THE ESTUARY OF THE RIVER TYUMEN-ULA AND THE POVOROTNY PROMONTORY CANNOT, EITHER

GEOGRAPHICALLY OR HISTORICALLY, BE REGARDED AS PART OF THE INTERNAL WATERS OF THE U.S.S.R. THE GOVERNMENT OF THE UNITED STATES VIEWS THE ACTION OF THE COUNCIL OF MINISTERS AS CONSTITUTING AN ATTEMPT BY THE GOVERNMENT OF THE U.S.S.R. UNLAWFULLY TO APPROPRIATE A LARGE AREA OF THE HIGH SEAS BY UNILATERAL ACTION. SUCH AN ATTEMPT HAS NO FOUNDATION IN INTERNATIONAL LAW AND ENCROACHES UPON THE WELL-ESTABLISHED PRINCIPLE OF FREEDOM OF THE SEAS.

THE GOVERNMENT OF THE UNITED STATES MUST, THEREFORE, REGARD THE ENFORCEMENT OF THIS DECREE AS VIOLATIVE OF THE FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW AND RESERVES ITS RIGHT TO TAKE SUCH ACTION AS IT DEEMS NECESSARY TO PROTECT EACH AND ALL OF ITS RIGHTS IN THE AREA OF PETER THE GREAT BAY. THE GOVERNMENT OF THE UNITED STATES REQUESTS THAT THE GOVERNMENT OF THE U.S.S.R. RECONSIDER THE REPORTED ACTION OF THE COUNCIL OF MINISTERS AND CONFORM IT TO THE REQUIREMENTS OF INTERNATIONAL LAW. UNQTE.

2. U.S.S.R. REPLY, JANUARY 7, 1958

QTE. ...THE WATERS OF THE BAY OF PETER THE GREAT ARE HISTORICALLY WATERS OF THE SOVIET UNION BY FORCE OF THE SPECIAL GEOGRAPHIC CONDITIONS OF THAT BAY AND ITS SPECIAL ECONOMIC AND DEFENSE SIGNIFICANCE. THE HISTORIC RIGHTS OF RUSSIA TO THE BAY OF PETER THE GREAT WERE CONFIRMED IN RULES OF MARITIME FISHERIES IN THE TERRITORIAL WATERS OF THE GOVERNOR-GENERALSHIP OF PRIAMURYE PUBLISHED BY THE RUSSIAN GOVERNMENT IN 1901 FROM WHICH IT FOLLOWS THAT THE LINE CONNECTING THE MOUTH OF THE UNCLASSIFIED

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TYUMEN-ULA RIVER WITH THE POVOROTNY CAPE IS THE BOUNDARY OF RUSSIAN INTERNAL WATERS IN THE AREA OF THE BAY.

THE FACT THAT THE BAY OF PETER THE GREAT COMPRISES INTERNAL WATERS OF THE SOVIET UNION IS RECOGNIZED BY COUNTRIES NEIGHBORING THE U.S.S.R., AMONG WHICH BY THE GREAT NEIGHBOR OF THE U.S.S.R. -- THE CHINESE PEOPLE'S REPUBLIC. AS IS KNOWN, THE SOVIET-JAPANESE AGREEMENTS ON FISHERIES OF 1928 AND 1944 PROCEED FROM THE FACT THAT THE WATERS OF THIS BAY BELONG TO THE SOVIET UNION.

IN THIS CONNECTION THE DECREE OF THE COUNCIL OF MINISTERS OF THE U.S.S.R. CONCERNING THE BAY OF PETER THE GREAT INTRODUCES NOTHING NEW IN THE STATUS OF THE

BAY FROM THE POINT OF VIEW OF ITS BELONGING TO THE SOVIET UNION. THE ABOVE-MENTIONED DECREE ONLY CONFIRMS THE STATUS OF THE BAY AND THE BOUNDARIES OF INTERNAL WATERS IN THE BAY ESTABLISHED MORE THAN HALF A CENTURY AGO, AND THEREFORE CANNOT BE REGARDED AS AN ACT VIOLATING INTERNATIONAL LAW.

THE STATEMENTS CONTAINED IN THE NOTE OF THE EMBASSY TO THE EFFECT THAT THE WATERS OF THE BAY OF PETER THE GREAT CANNOT GEOGRAPHICALLY BE REGARDED AS INTERNAL WATERS OF THE SOVIET UNION ARE UNFOUNDED TO AN EQUAL DEGREE.

IT IS GENERALLY KNOWN THAT THE WHOLE COASTLINE SURROUNDING THIS BAY, WHICH IS DEEPLY INDENTED IN THE CONTINENT, COMPRISES THE STATE TERRITORY OF THE U.S.S.R., AND THE VERY CONFIGURATION OF THE BAY SHOWS THAT IT COMPRISES AN INSEPARABLE WHOLE WITH SOVIET DRY LAND TERRITORY. THE DECREE OF THE COUNCIL OF MINISTERS OF THE U.S.S.R. AND THE ABOVE-MENTIONED REGULATIONS PUBLISHED BY RUSSIA IN 1901 PARTLY DERIVE FROM THIS.

THEREFORE THE STATEMENT THAT THIS DECREE CONSTITUTES UNCLASSIFIED

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AN INFRINGEMENT OF THE PRINCIPLE OF THE FREEDOM OF THE SEAS IS DEPRIVED OF ANY BASIS, INASMUCH AS THE PRINCIPLE OF FREEDOM OF THE SEAS APPLIES TO THE OPEN SEA, WHEREAS THE BAY OF PETER THE GREAT COMPRISES INTERNAL WATERS OF THE U.S.S.R.

PROCEEDING FROM THE ABOVE EXPOSITION THE GOVERNMENT OF THE U.S.S.R. REJECTS AS BASELESS THE PROTESTS OF THE GOVERNMENT OF THE U.S.A. CONCERNING THE COMMUNIQUE OF THE COUNCIL OF MINISTERS ON THE BOUNDARIES OF SOVIET INTERNAL WATERS IN THE BAY OF PETER THE GREAT AND SEES NO BASES FOR FURTHER CONSIDERATION OF THIS QUESTION.

AS FOR THE ANNOUNCEMENT IN THE NOTE OF THE EMBASSY THAT THE GOVERNMENT OF THE U.S.A. RESERVES TO ITSELF THE RIGHT TO TAKE THE NECESSARY MEASURES FOR THE DEFENSE OF ITS RIGHTS IN THE REGION OF THE BAY OF PETER THE GREAT, THIS ANNOUNCEMENT IS DEPRIVED OF ANY BASES WHATEVER, INASMUCH AS THERE CAN BE NO QUESTION OF ANY RIGHTS WHATEVER OF THE GOVERNMENT OF THE U.S.A. IN SOVIET INTERNAL AND TERRITORIAL WATERS IN THE REGION OF THE INDICATED

BAY, WHICH IS LOCATED MANY THOUSANDS OF KILOMETERS FROM THE U.S.A. UNQTE.

3. U.S. SECOND NOTE, MARCH 6, 1958

QTE. ...AS WAS MADE CLEAR IN THIS EMBASSY'S NOTE

NO. 147 OF AUGUST 12, 1957, UNDER INTERNATIONAL LAW THE GOVERNMENT OF THE UNITED STATES CANNOT REGARD THE BODY OF WATER ENCLOSED BY A LINE DRAWN BETWEEN THE ESTUARY OF THE RIVER TYUMEN-ULA AND THE POVOROTNY PROMONTORY AS CONSTITUTING, EITHER GEOGRAPHICALLY OR HISTORICALLY, A PART OF THE INTERNAL WATERS OF THE UNION OF SOVIET SOCIALIST REPUBLICS. THE CONFIGURATION OF THE COAST IN THE AREA OF PETER THE GREAT BAY IS NOT SUCH THAT THAT BODY OF WATER COULD IN ANY WAY BE REGARDED AS BEING COMPRISED OF LANDLOCKED WATERS WHICH COULD PROPERLY BE CONSIDERED INTERNAL WATERS OF THE SOVIET UNION.
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ENCROACHMENTS ON THE HIGH SEAS ARE OF CONCERN TO THE ENTIRE WORLD AND NEITHER INTERNAL REGULATIONS OF THE RUSSIAN GOVERNMENT, WHICH WERE NOT COMMUNICATED TO THE GOVERNMENTS OF OTHER STATES, NOR FISHING AGREEMENTS BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND JAPAN COULD BE SUFFICIENT TO ESTABLISH THE DEGREE OF ACCEPTANCE ON THE PART OF THE REST OF THE WORLD THAT WOULD BE NECESSARY TO JUSTIFY THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN CLAIMING THAT THE BODY OF WATER REFERRED TO ABOVE CONSTITUTES INTERNAL WATERS OF THE SOVIET UNION EITHER AS AN HISTORIC BAY OR UNDER ANY OTHER PRINCIPLE OF INTERNATIONAL LAW. MOREOVER, THE GOVERNMENT OF THE UNITED STATES NOTES THAT THE GOVERNMENT OF JAPAN DOES NOT AGREE WITH THE INTERPRETATION OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF THE FISHING AGREEMENTS OF 1928 AND 1944, TO WHICH THE MINISTRY OF FOREIGN AFFAIRS REFERRED IN ITS NOTE NO. 2/OSA.

THE GOVERNMENT OF THE UNITED STATES MUST, THEREFORE, CONTINUE TO REGARD ANY MEASURES TO EFFECTUATE THE DECREE ON THE COUNCIL OF MINISTERS, REGARDING THE BOUNDARY OF INTERNAL WATERS IN THE AREA OF PETER THE GREAT BAY, AS VIOLATIVE OF THE FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW, AND RESERVES ITS RIGHT TO TAKE SUCH ACTION AS IT DEEMS NECESSARY TO PROTECT EACH AND ALL OF ITS RIGHTS IN THAT AREA. UNQTE.

4. CABLE ON ISLANDS AND MORE INFORMATION ON HISTORIC WATERS WILL FOLLOW. ROGERS

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